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FACSIMILE TRANSMISSION

DATE: May 17, 2004

MATTER NUMBER: 10314509

LUD 5629.3 DIV

RECIPIENT(S):	FAX No.:	PHONE No.:
Examiner Marianne DiBrino USPTO - Art Unit 1644	1571 273-0842 and 1703 872-9306	1571-272-0842

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RE: U.S. Serial No. 10/706,475

NUMBER OF PAGES INCLUDING COVER PAGE: 3

Message:

**PLEASE DELIVER TO EXAMINER MARIANNE DIBRINO
AT ART UNIT 1644. THANK YOU**

CAUTION - CONFIDENTIAL

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LUD.5629.3 DIV (10314509)

<u>CERTIFICATE OF FACSIMILE TRANSMITTAL</u>	
I hereby certify that this correspondence is being transmitted via telecopy pursuant to 37 CFR 1.8 to <u>Group 1644, Examiner Marianne DiBrino</u> of the United States Patent & Trademark Office at <u>(571) 273-0842</u> and <u>(703) 872-2306</u> on May 17, 2004.	
Date 5/17/04	Name: <u>Fani Malikouzakis</u>

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant : Vincenzo CERUNDOLO et al.
Serial No. : 10/706,475
Filed : November 11, 2003
For : NY-ESO-1 PEPTIDE DERIVATIVES, AND USES
THEREOF
Art Unit : 1644
Examiner : Marianne DiBrino

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement of April 20, 2004, applicants elect Group III, i.e., claim 57, and the specific peptide of SEQ ID NO: 6 (X=A). Claims 57-58 are readable thereon.

The requirement for electing an in vitro or an in vivo method of administration is without basis, since this is not a feature of the claims, and the Examiner has no legal authority whatsoever to require election of what is not specifically claimed. Should the Examiner believe that she has such authority, the citation of appropriate case law, statute or regulation would be appreciated.

LUD 5629.3 DIV (10314509)

No fee is belicved to be due, however, the Commissioner is hereby authorized to deduct any fees associated with this filing from Deposit Account No. 500624.

Respectfully submitted,

FULBRIGHT & JAWORSKI, L.L.P.

By: 

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